

**VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Thursday, October 25, 2007.

Present: Peter N. Geilich, Chair  
Jack S. Russell, Vice Chair  
B. Wally Beauchamp, Board Member  
F.W. Jenkins, Jr., Board Member  
Ernest W. Palin, Jr., Board Member  
William H. Pennell, Jr., County Administrator  
Jack D. Larson, Assistant County Administrator

Mr. Geilich called the meeting to order at 7:00 p.m.

**PUBLIC INPUT**

Mr. Costello said he talked to Mr. Harper, VDOT Superintendent at Brookvale several months ago about that big curve at Devil's Bottom Road and said they needed signage. He said about three weeks ago the sign was erected and he wanted to thank Mr. Harper for his assistance with that process and getting it done in a timely manner.

**PRESENTATIONS**

None

**VIRGINIA DEPARTMENT OF TRANSPORTATION**

**Bridge Repair Update**

Mr. Balderson said because of the problems with the Robert O Norris, Jr. Bridge it will be closed Monday, October 29, 2007 and Tuesday, October 30, 2007 from 7:00

p.m. – 6:00 a.m. in order to replace two pins. Emergency Services vehicles will be permitted to cross the bridge. The electronic VDOT road signs will be used to inform citizens and it will be on the radio as a public service announcement.

### Maintenance

Mr. Balderson stated that all the mowing has been completed for the year.

Mr. Jenkins asked about the trash bags that were left along the roadway of VSH 354 between VSH 201 and VSH 622. The trash was picked up but the bags are still there and have been there for about five days.

Mr. Pennell stated because the trash was picked up by someone performing community service, Mrs. Ginger Goode must inspect the bags to ensure that the individual did indeed pick up trash. This is a part of the process that the kinks need to work out.

Mr. Beauchamp asked about a report the board received indicating that approximately seven tons of trash was picked up under this program in Lancaster County alone.

Mr. Balderson stated that is correct and approximately 28 tons in all four of the participating counties.

### Traffic Light at Wal-Mart

Dr. Russell asked about the Hawthorne Drive concerns with the traffic light at the intersection of Wal-Mart. He asked if VDOT was still monitoring that intersection.

Mr. Balderson said they will continue to monitor and there is a police officer monitoring the intersection to see how the traffic flows and whether vehicles are stopping

behind the stop bar. They will continue to look at the intersection and make any necessary changes.

Dr. Russell asked if VDOT could give results and feedback at the next Board of Supervisors on November 29, 2007.

Mr. Balderson said yes they will give a report.

#### Black Stump Road Update

Mr. Beauchamp asked about the speed study request for Black Stump Road.

Mr. Balderson said a traffic engineer from the Fredericksburg District has been down to look at the road and they are still working on that request along with the Benson Road request.

#### VDOT Meeting

Mr. Geilich stated VDOT gave an excellent presentation regarding the Norris Bridge at the Lancaster Community Library earlier this evening.

#### **PUBLIC HEARINGS**

None

#### **CONSENSUS DOCKET**

Motion was made by Mr. Jenkins to approve the Consensus Docket and recommendations as follows:

A. Minutes for may 24, 2007, September 11, 2007, September 18, 2007, September 18, 2007 and October 2, 2007

Recommendation: Approve the minutes

B. Community Criminal Justice Board (CCJB)

Recommendation: Adopt the following resolution:

**RESOLUTION PROVIDING FOR THE IMPLEMENTATION OF THE  
COMPREHENSIVE COMMUNITY CORRECTIONS ACT FOR LOCAL  
RESPONSIBLE OFFENDERS, THE PRETRIAL SERVICES ACT AND THE  
ESTABLISHMENT OF THE  
NORTHERN NECK COMMUNITY CRIMINAL JUSTICE BOARD**

**WHEREAS**, the Virginia General Assembly has adopted legislation entitled the Comprehensive Community Corrections Act for Local Responsible Offenders, Article 9 (§ 9.1-173 et. seq.) of the Code of Virginia and the Pretrial Services Act, Article 5 (§ 19.2-152.2 et seq.) of the Code of Virginia, both of which were effective July 1, 1995; and

**WHEREAS**, §§ 9.1-174 and 19.2-152.2 of the Code of Virginia permit counties and cities or combinations thereof to develop and establish local pretrial or community-based probation services pursuant to these Acts; and

**WHEREAS**, §§ 9.1-178 and 19.2-152.5 of the Code of Virginia require that each county and city establishing and operating local community-based probation and pretrial services establish a Community Criminal Justice Board, and in the case of multi-jurisdictional efforts, that each jurisdiction mutually agree upon the number of appointments to said board.

**NOW THEREFORE BE IT RESOLVED**, that the County of Lancaster, Virginia, jointly agrees with the Counties of Richmond, Northumberland and Westmoreland to implement the services and programs required by the Comprehensive Community Corrections Act for Local Responsible Offenders and the Pretrial Services

Act with, pursuant to § 9.1-183, with Westmoreland County acting as the administrator and fiscal agent on behalf of the participating localities:

**BE IT FURTHER RESOLVED**, that the County of Lancaster, Virginia establishes the Northern Neck Community Criminal Justice Board; that said board shall fulfill its responsibilities pursuant to § 9.1-180; and shall be composed of the following members, pursuant to § 9.1-178 of the Code of Virginia.

- A circuit court judge representing the Fifteenth Judicial Circuit as agreed upon by the judges of said circuit;
- One representative of the governing bodies of each participating jurisdiction;
- A judge of general district court, representing the Fifteenth Judicial District (s) as agreed upon by said judges of the district;
- A judge of the juvenile and domestic relations district court representing the Fifteenth Judicial District (s) as agreed upon by the said judges of the district;
- The Chief Magistrate;
- A Commonwealth's Attorney representing all of the Commonwealth's Attorneys of the participating jurisdictions;
- A public defender where available in the participating localities and/or an attorney experienced in the defense of criminal matters who are current members of the Virginia State Bar;
- A sheriff or, where available, the regional jail administrator responsible for jail(s) serving the jurisdictions involved in local pretrial and community-based probation services;
- A Chief of Police or a Sheriff in a jurisdiction not served by a police department to represent all law enforcement agencies of the participating jurisdictions;
- A Community Services Board Administrator representing all agencies providing such services to participating jurisdictions; and
- A representative of local adult education representing all agencies providing such services to participating jurisdictions.

**BE IT FURTHER RESOLVED**, that this resolution supersedes and replaces all prior resolutions approved by the locality relating to the establishment of required services and the formation of the Northern Neck Community Criminal Justice Board.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

**CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of October 2007 Salaries and Invoice Listings

Motion was made by Mr. Beauchamp to approve the Salaries for October 2007 in the amount of \$187,092.01 and Invoice Listings for October 2007 in the amount of \$670,767.87.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

2. Cherry Hill, Section One – Preliminary Subdivision – Mr. Larson stated a fifteen-lot subdivision has been submitted for preliminary plat approval as required by Article 3-7 of the Subdivision Ordinance.

Mr. Larson said this subdivision preliminary plat was submitted for consideration at the September 27, 2007 regular meeting of the Board of Supervisors. Because proposed covenants had not been corrected in a timely

manner, the Board disapproved the preliminary plat. Applicant has met the requirements of 5-26(e), common open space, by adding paragraph 20 to the draft covenants and has indicated traffic impact on the plats. Final plat approval will be contingent on validation of the traffic impact and approval of the road plan by VDOT.

Dr. Russell made a motion to Approve the Cherry Hill, Section One – Preliminary Subdivision.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

3. January Planning District Commission Meeting – Mr. Pennell stated that the January meeting of the Planning District Commission is always held in Lancaster County. The meeting will be held January 28, 2008 at 5:30 p.m.

By consensus of the board, have the Northern Neck Planning District Commission quarterly meeting at Upper Deck Restaurant and Rose’s Crab Shack as an alternate.

4. Lancaster Primary School – Bus Loop/Parking Project – Ms. Sciabbarrasi stated she submitted a letter to the Board of Supervisors requesting assistance in planning for the capital improvements to the Lancaster Primary School to improve the bus loop and parking conditions.

Ms. Sciabbarrasi stated this project has been on the Capital Improvement Plan for a number of years. In the county Capital Improvement Plan it indicated the target date FY08 of \$550,000 for this project. One of the main concerns, if

this is a project that will be funded this summer, the school board needs to start now. To begin with engineering, design, and request for proposals. Should the school board wait until April 2008 this project would not be completed before school reopens. The bus loop/parking project is a major concern for students, staff, and community members because it is a health and safety factor. She stated she was requesting permission from the Board of Supervisors to proceed, in order for Mr. Guill to start with obtaining the engineering and architectural designs for the project. At which time new dollar figures will be provided to board, because the figures available are two years old. The cost of approximately \$60,000 is what it will to obtain engineering, architectural, special inspections, etc.

Mr. Jenkins said he wanted to ask for some assistance from the board members, because when this project came before the board they were in agreement that there was a clear safety issue that needed to be addressed, the board's concern at the time was the overall cost and how well it had been planned. He said the Board of Supervisors asked the school board to look at the project and come back with better figures. To spend over a half million dollars for a bus loop and canopies and \$41,000 for architectural/engineering drawing when there are contractors in the county to do the work seemed unreasonable.

Ms. Sciabbarrasi stated she was unsure of the policy and procedures that the schools need to follow at this time.

Mr. Jenkins stated \$50,000 was paid for the canopy at high school to stop the flooding in the band room, which did not stop the flooding of the band room, and was designed by the same engineering firm listed to do this project. He stated safety is a major concern for our students, staff, and visitors, however; he has concerns with spending more then what is needed, which in essence takes away from what could go to directly to instruction.

Ms. Sciabbarrasi asked for suggestions from the board.

Mr. Jenkins said is the same one given last spring, to have the school board review the figures. If the same architectural firm, which has always managed school projects, gets this project the county will pay double the amount of what the project is really worth. In the past that architectural firm did the RFP, hired as the consultant, did the RFP for the construction, hired firms, and the price always came back higher.

Ms. Sciabbarrasi asked the board to provide the school board with information and/or the names of other local contractors.

Dr. Russell stated these are the same figures from last year, which this board asked the school board to go back and review. There are no school board members in attendance for support and they were aware of this board's concerns.

Mr. Pennell said the Capital Improvement Plan items to which Ms. Sciabbarrasi refers are in name only. When the Capital Improvement Plan for the budget year we are currently in was adopted, it included three or four projects for the schools. The bus loop/canopy project was not approved last June. The Board of Supervisors asked the school board to go back and review the figures and that would be considered at this next fiscal year. Maybe a joint work session in November would be better and give Ms. Sciabbarrasi an opportunity to become more familiar with this and other projects.

Mr. Geilich said scheduling a work session would be a great idea and to focus on that project alone, as we are all concerned with the safety of the students, staff, and visitors at the primary school.

Mr. Beauchamp said this issue does need to be addressed because there is a safety concern at the primary school, but apparently not one at the school board took the time to revisit the information or review the figures as requested.

Mr. Jenkins stated there are other items that should not be on the plan and the board needs to look at more economic ways for use of the taxpayers money and we are all very concerned with for the safety of the children.

By consensus of the board, schedule a work session in December with the School Board. Dr. Russell and Mr. Jenkins were the designated board members to attend.

## **BOARD REPORTS**

### Ashley Cove Lease Agreement

Mr. Palin stated he wished that Mr. Fred Ajootian was available because he challenged the Board of Supervisors to improve Public Access to the water. The board has a draft lease that will grant public access to the state's waters here in Lancaster County. We have a lease for 25 years at \$10.00 per year and the cost for liability insurance to be \$847.00 per year. The property is located on VSH 647/Bald Eagle Road off Ocran Road and a map was provided to the public to show how the property may be developed. The drawing is conceptual in nature and the actual amenities will be decided by permit application and environmental restrictions in the future.

Mr. Palin made a motion to approve the lease agreement made on October 25, 2007 by and between B.H. Hubbard, III and Lloyd B. Hubbard, Jr. Trustees of the Lloyd B. Hubbard, Sr. Trust and Mary D. Hubbard Trust and the County of Lancaster, Virginia and authorize the county administrator to execute the appropriated documents.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

Planning Commission

Mr. Palin made a motion to appoint Glendon A. Pinn, Jr. to the Lancaster County Planning Commission as a representative for District 2 to fill an unexpired four-year term ending on March 31, 2009.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

Board of Equalization

Mr. Geilich reminded the board that a Board of Equalization would soon be appointed, so please keep that in mind.

**COUNTY ADMINISTRATOR REPORT**

New Director of Planning and Land Use

Mr. Pennell informed the board that Don Gill was hired as the new Director of Planning and Land Use and will begin November 1, 2007. He is concerned about growth and will be a great asset to the county.

Planning Commission Request

Mr. Larson stated the Planning Commission requested that he ask the Board of Supervisors for their ideas or suggestions as to priority of effort following approval of the Comprehensive Plan. He knows that cluster development was a big item and other things like a farm ordinance. The Planning Commission will hold a public hearing in the month of November on changes to the permitted uses for A-1 and A-2 to bring them more in

line with the statement of intent. If that goes well this would be forwarded to the Board of Supervisors for December, but looking down the road as to priority of effort. Mr. Jones, Planning Commission Chair believes that whatever is worked on first should be carried forward, focused on and completed prior to continuing with another issue.

Dr. Russell asked about appointing a citizen group and/or advisory committee

Mr. Pennell said there is no place for townhouses or condos, if the county plans to have workforce housing, there needs to be a designated zone/area for this purpose.

Mr. Jenkins stated coming back to a delineation of R-2 that it is not all inclusive and recommended working on inland first.

**ADJOURNMENT**

Motion was made by Mr. Beauchamp to adjourn.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye